



SIERRA CLUB

HAWAI'I CHAPTER

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8 April 2005

Environmental Planning Office
Attn: Harold Lao
919 Ala Moana Blvd., Room 312
Honolulu, HI 96814

RE: Comments on Proposed Amendments to the Hawaii Administrative Rules, Chapter 11-54, Water Quality Standards (WQS)

Aloha Mr. Lao:

The Sierra Club, Hawai'i Chapter, offers the following comments regarding the proposed amendments to state water quality standards.

- The proposed use of salinity gradients to classify state waters may be, in the long-run, a good framework for standards. However, before this proposal is adopted, there should be a work-plan to rearrange the criteria on a salinity basis. Additionally, further research should be conducted to update the numeric criteria (unchanged since 1979), which should be based on the most current scientific data and rationale.
- It is unclear how the proposed "policy statement" will be included to replace the term "ambient" or "ambient conditions." It is also unclear how this policy statement will replace the term "ambient" as neither shares the same meaning or objective. The definition of "ambient" eludes to the fact that the WQS were created on the basis of minimally affected and altered sites, however the policy statement describes how waters "shall be considered degraded." The wording of the proposed policy statement leaves room for interpretation. For example, it mentions "at least ten measurements of a single parameter," however a time-frame for collection of those ten measurements is not specified. Instead the definition of "ambient" should be modified to exclude any description of the "shifting baselines" approach to environmental management and the term kept in the text. A new term and definition that would encompass the same meaning might also be used to replace the term "ambient".
- The statement, "There are no egregious circumstances, such as those resulting in serious actual harm or which may present imminent and substantial endangerment to public health or the environment" from the EPA regarding pesticide use should be included in the proposed Appendix M, HAR 11-55 as is the previous EPA statement regarding pesticide application consistent with labeling.
- We support the proposed new definition for "reference sites," particularly the inclusion of "associated aquatic habitats and aquatic biota that are of known environmental quality" in the definition. This will hopefully lead to biologic criteria based on biota at reference sites.

- We support the inclusion of "of any pollutant" in the proposed revised section 11-54-5.2 for aquatic pesticides.
- We support the need for more data collection across saline nearshore waters into transitional waters, then out to the 3-mile state waters boundary, to increase understanding of the transitional-open oceanic transition zone as the Transitional Oceanic Table, and Oceanic Table in Present Rule contain data from 1977 and should be based upon current scientific research and data.
- We support the proposed use of the federal criterion of 35 enterococcus per 100 ml along with the extension of the offshore horizontal limit for recreational waters from 300 m to 500 m.

Thank you for this opportunity to provide our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Mikulina". The signature is stylized with a large, looped "J" and a cursive "Mikulina".

Jeff Mikulina